IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Crl.Rev.Pet.No. 2578 of 2007()

CRA.362/2006 of ADDL. SESSIONS COURT (ADHOC), THRISSUR
CC.696/2002 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KUNNAMKULAM

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REVN. PETITIONER: APPELLANT/ACCUSED:

JOY K.T., S/O. THOMAS,
KOLLAPARAN HOUSE, VELUPPADAM DESOM,
VARANTHARAPPILLY VILLAGE, THRISSUR DISTRICT.

BY ADV. SRI.P.K.SAJEEV

RESPONDENTS: RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 09/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl.R.P. No. 2578 OF 2007 B

Dated this the 9th day of July, 2007

O R D E R

The revision petitioner stands convicted concurrently by the courts below for offences punishable under sections 279, 337 and 338 IPC. The sentence imposed on the revision petitioner is imprisonment for six months for each of the offences.

2. Eventhough the learned counsel for the revision petitioner assailed the conviction recorded by the courts below, the same has been entered after evaluation of the oral and documentary evidence of the case and this court, sitting in the rarefied revisional jurisdiction, will be loathe to interfere with the findings of fact recorded by the courts below. I do not find any good ground to interfere with the conviction recorded against the revision petitioner.

3. The only other question which survives for consideration is the question of sentence. I do not think that penal servitude by way of incarceration is warranted on the facts and circumstances of the case. Interest of justice will be adequate by directing the revision petitioner to compensate each of the three injured persons. Accordingly, for the conviction under sections 279, 337 and 338 IPC the revision petitioner is sentenced to imprisonment till rising of court and to pay a compensation

of Rs.5,000/- to each of PWs 1 to 3, the injured persons, under section 357(3) Cr.P.C. The compensation amount shall be deposited in the trial court within 45 days from today, failing which the revision petitioner shall undergo simple imprisonment for four months. The substantive sentence of imprisonment till the rising of the court, shall run concurrently.

This revision is disposed of as above.

(V. RAMKUMAR, JUDGE)

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